

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 10, 2008

D051363 In re Leilani T., a Juvenile

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Aaron, J., Irion, J.

D051374 In re Salvador V., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D051034 People v. Munguia

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.

D049563 Zagami, Inc. v. James A. Crone, Inc

D050090 Zagami, Inc. v. James A. Crone, Inc

(Consolidated) The judgment is affirmed, except as to (1) the limited issue of damages, which will be decided on retrial, and (2) the award of attorney fees, which will be determined anew by the trial court at the conclusion of the damages retrial. Each party is to bear its own costs on appeal.

CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Benke, J., Haller, J.

D051891 Jamaya J. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Benke, J.; We Concur: McConnell, P.J., Nares, J.

D051116 People v. Randall

The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D051395 People v. Sloss

The judgment is affirmed. McDonald, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D050549 In re Irwin G., a Juvenile

The wardship order is set aside, and the matter is remanded to the juvenile court with directions to (1) strike the true finding on the receiving a stolen vehicle count, (2) recalculate Irwin's maximum potential term if warranted (Welf. & Inst. Code, 726), and (3) designate whether the vehicle theft offense is a felony or misdemeanor in compliance with Welfare and Institutions Code section 702. In all other respects, the order is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., Irion, J.

D051359 In re Elizabeth B. et al., Juveniles

The order is affirmed. O'Rourke, J.; We concur: McConnell, P.J., Irion, J.

D051430 People v. Thomas

The judgment is affirmed. Aaron, J.; We Concur: O'Rourke, Acting P.J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 10, 2008 (Continued)

D050529 People v. Roth

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

D050462 People v. Mills

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D051742 People v. Sanchez

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D050418 People v. Barba

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D045154 Buell-Wilson et al. v. Ford Motor Company et al.

D045579 Buell-Wilson et al. v. Ford Motor Company et al.

The judgment is affirmed in all respects except as to the award of noneconomic damages to Mrs. Wilson and punitive damages to the Wilsons. The award of punitive damages to the Wilsons is reduced to \$55 million. The award of noneconomic damages to Mrs. Wilson is reversed and remanded for retrial on the issue of the amount of noneconomic damages, unless Mrs. Wilson shall, within 30 days from the date this opinion is filed, file with the clerk of this court and serve upon Ford Mrs. Wilson's written consent to a reduction of her noneconomic damages award to \$18 million, in which event the judgment shall be modified to award Mrs. Wilson noneconomic damages in that amount, which will result in a total reduced award to the Wilsons of \$82,606,004 (\$4,606,004 in economic damages + \$18 million in noneconomic damages + \$5 million in loss of consortium + \$55 million in punitive damages), and in which event the judgment will be affirmed in its entirety, as modified. (Cal. Rules of Court, rule 8.264(d).) The parties shall bear their own costs on appeal. CERTIFIED FOR PUBLICATION. Nares, J.; We Concur: McConnell, P.J., Irion, J.

D052334 Daleen P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Daleen P. has notified the court that a petition for writ of mandate under California Rules of Court, Rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Joan Irion
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 10, 2008 (Continued)

D050420 People v. Bystrova

Cause called on merits. Ward Stafford Clay, Esq. argued for appellant. Collette Cavalier, Deputy Attorney General argued for respondent. Mr. Clay replied. Cause submitted.

D050273 Millbrae Serra Sanitarium Inc., et al. v. State of California et al.

Cause called on merits. Mark A. Johnson, Esq. argued for appellant. Jennifer M. Kim, Esq. argued for respondent. Mr. Johnson replied. Cause submitted.

D049861 Great Western Drywall, Inc. v. Interstate Fire & Casualty Company

Cause called on merits. Joseph L. Oliva, Esq. argued for appellant. Jerome Mark Jackson, Esq. argued for respondent. Mr. Oliva replied. Cause submitted.

Court recessed at 9:54 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron

D049578 People v. Harris

Cause called on merits. Sharon M. Jones, Esq. argued for appellant. Peter Quon, Deputy Attorney General argued for respondent. Ms. Jones replied. Cause submitted.

Court recessed at 10:30 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron
Clerk: D. Moore

D050130 Quiogue et al. v. Hemerick

Cause called on merits. Steven A. McKinley, Esq. argued for appellant. Patrick Webb, Esq. argued for respondent. Mr. McKinley replied. Cause submitted.

D051185 People v. Tatum

Cause called on merits. Mary Andonov, Esq. argued for appellant. Pamela King, Esq. argued for respondent. Ms. Andonov replied. Cause submitted.

D050883 Opprime Investments, Inc. v. DiMeo

Cause called on merits. Roman A. DiMeo, argued for appellant in pro per. John S. Brick, Esq. argued for respondent. Mr. DiMeo replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 10, 2008 (Continued)

D049266 Vesco v. San Diego Community Correctional Center et al.

Cause called on merits. Jerry D. Cluff, Esq. argued for appellant/cross-respondent. Rory Wicks, Esq. argued for respondent/cross-appellant. Mr. Cluff replied. Mr. Wicks replied. Cause submitted.

Court recessed at 3:30 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Joan Irion

D051368 Hullett v. Superior Court/Hartford Life and Accident Insurance Company

Matter called on merits. Lowell F. Sutherland, Esq. argued for petitioner. Edith Shea, Esq. argued for real parties in interest. Mr. Sutherland replied. Matter submitted.

Court recessed at 4:00 p.m. until Tuesday, March 11, 2008 at 9:00 a.m.

D048607 People v. Hubbs

The petition for rehearing is denied.

D048607 People v. Hubbs

The request for publication of the opinion is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 11, 2008

D052241 Seastrom et al. v. The Superior Court of San Diego County/Neways, Inc.
The petition is denied.

D051560 People v. Boyett
The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D051825 In re Angel V., a Juvenile
The orders are affirmed. McIntyre, J.; We Concur: McConnell, P.J., Haller, J.

D051254 In re Alyssa H., a Juvenile
Appeal dismissed. Benke, Acting P.J.; Huffman, J., McDonald, J.

D051740 People v. Reyes
The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., McIntyre, J.

D051607 People v. Skinner
The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D050615 People v. Lopez
The order is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Irion, J.

D052504 Cooper v. Superior Court of San Diego County/People
All proceedings are stayed pending further order of this court.
Real party in interest is directed to file a response to the petition on or before March 18, 2008.
Petitioner is directed to file a reply to the response on or before March 28, 2008.

D051662 In re Roy L. et al, Juveniles
The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.

D049222 People v. Spencer
The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 11, 2008 (Continued)

D051341 In re Patrice S., a Juvenile

The order committing Patrice to DJJ is modified to reflect a maximum period of confinement of three years six months. The case is remanded to the juvenile court so that it may make a discretionary determination whether the DJJ commitment should be recalled. The order requiring Patrice to submit to AIDS testing is reversed. Should the prosecutor request a hearing on the issue within 30 days of the filing of the remittitur, the juvenile court shall conduct a hearing to determine whether there is probable cause for testing within the meaning of Health and Safety Code section 121060. In all other respects the judgment is affirmed. The juvenile court shall amend the commitment order and forward a copy to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice. Irion, J.; We Concur: Benke, Acting P.J., Haller, J.

D051022 People v. Flores

The appeal is dismissed. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D051441 People v. Meyers

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., Aaron, J.

D049942 Leucadia Cares et al. v. City of Encinitas et al.

The judgment is affirmed. The City and Barratt are to recover costs on appeal. Aaron, J.; We Concur: Haller, Acting P.J., McDonald, J.

D052303 Vin S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Vin S. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

D052405 Graham III v. Superior Court of San Diego County/People

The petition is denied.

D052095 In re Marriage of Vadnais

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D051169 In re Marriage of Krzywiec

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 11, 2008 (Continued)

D050265 Helsper et al. v. County of San Diego

Cause called on merits. David R. Clark, Esq. argued for appellant. James M. Chapin, Esq. argued for respondent. Mr. Clark replied. Cause submitted.

D050493 Webb v. San Diego Pain Management Consultants et al.

Cause called on merits. Mark Simowitz, Esq. argued for appellant. Bryan D. Sampson, Esq. argued for respondent. Mr. Simowitz replied. Cause submitted.

Court recessed at 9:47 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and James McIntyre

D050284 People v. Ortega

Cause called on merits. Jeanne C. VanDerhoff, Esq. argued for appellant. Stephanie Baril, Certified Law Student argued for respondent. Cause submitted.

D049638 Sourcinglink.Net, Inc. v. Carrefour, S.A.

Cause called on merits. Jeffrey Isaac Ehrlich, Esq. argued for appellant. Peter Richard Chaffetz, Esq. argued for respondent. Mr. Ehrlich replied. Cause submitted.

D049863 Jack v. Concordia Homes of California LLC et al.

Cause called on merits. Shannon Gallagher, Esq. argued for appellant. Darren J. Quinn, Esq. argued for respondent. Mr. Gallagher replied. Cause submitted.

Court recessed at 11:20 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre
Clerk: D. Moore

D050071 People v. Gelashev

Cause called on merits. Sachi Wilson, Esq. argued for appellant. Elizabeth Voorhies, Deputy Attorney General argued for respondent. Ms. Wilson replied. Cause submitted.

D050019 People v. Lessie

Cause called on merits. Elisa A. Brandes, Esq. argued for appellant. Jennifer Jadovitz, Deputy Attorney General argued for respondent. Ms. Brandes replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 11, 2008 (Continued)

Court recessed at 2:00 p.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

D050041 Edwards v. Fire Insurance Exchange

Cause called on merits. William J. Brown, Esq. argued for appellant. Alana H. Rotter, Esq. argued for respondent. Mr. Brown replied. Cause submitted.

D050603 Maywood v. Perez

Cause called on merits. Robert M. Caietti, Esq. argued for appellant. Joseph G. Maiorano, Esq. argued for respondent. Cause submitted.

D050880 Otay River Constructors v. South Bay Expressway et al.

Cause called on merits. Charles A. Bird, Esq. argued for appellant. Carol K. Watson, Esq. argued for respondent. Mr. Bird replied. Cause submitted.

Court recessed at 4:00 p.m. until Wednesday, March 12, 2008 at 9:00 a.m.

D051975 People v. Chavez

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D052098 In re Bovarie on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 12, 2008

D050037 In re Carl N., a Juvenile

The opinion filed February 25, 2008, is modified. There is no change in judgment.

D050226 Rehder v. Ornelas et al.

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

D049505 People v. Espinoza

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Irion, J.

D049861 Great Western Drywall, Inc. v. Interstate Fire & Casualty Company

The judgment is affirmed. Interstate is entitled to costs on appeal. McConnell, P.J.;
We Concur: Nares, J., Irion, J.

**D051874 TBP/Architecture, Inc. v. Superior Court of San Diego County/Martin &
Ziemniak**

At the request of petitioner, the petition for writ of mandate is dismissed.

D051645 In re Alicia R., a Juvenile

The orders are affirmed. O'Rourke, J.; We Concur: McDonald, J., Irion, J.

D051065 People v. Feldman

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D052638 Promote La Jolla, Inc. v. Superior Court of San Diego County/Warwick et al.

The petition is denied.

D052615 Emblem v. Superior Court of San Diego County/Anyaji

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Terry O'Rourke, Acting Presiding Justice, and The Honorable Associate
Justices Cynthia Aaron and Joan Irion

Clerk: D. Moore

D050693 Gonzalez v. Luzaich Striping Inc., et al.

Cause called on merits. Marcus Jackson, Esq. argued for appellant. Charles T. Hoge, Esq.
argued for respondent. Mr. Jackson replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 12, 2008 (Continued)

D050460 Mabeus v. County of San Diego, Sheriff's Department

Cause called on merits. Rod M. Toothacre, Esq. argued for appellant. Carra Rhamy, Deputy County Counsel argued for respondent. Mr. Toothacre replied. Cause submitted.

D049832 Tighe v. Tighe

Cause called on merits. Thomas J. Tighe, argued for appellant in pro per. Linda Cianciolo, Esq. argued for respondent, Ann Tighe. Marina Linda Soto, Esq. Deputy Attorney General argued for respondent, The Department. Mr. Tighe replied. Cause submitted.

Court recessed at 9:49 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

D049986 Baumgardner v. Yokoyama et al.

Cause called on merits. David D. Miller, Esq. argued for appellant. Robert W. Frank, Esq. argued for respondent. Cause submitted.

Court recessed at 10:12 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

D049487 People v. Colaneri

Cause called on merits. Nancy J. King, Esq. argued for appellant. Donald Ostertag, Deputy Attorney General argued for respondent. Ms. King replied. Cause submitted.

Court recessed at 10:30 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron
Clerk: D. Moore

D049985 Valentine et al. v. La Jolla Bank FSB

Cause called on merits. Donna Bader, Esq. argued for appellant. Paul Thomas Johnson, Esq. was present in oral argument, but did not address the court. Jon R. Williams, Esq. argued for respondent. Ms. Bader replied. Cause submitted.

Court recessed at 1:50 p.m. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Cynthia Aaron

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 12, 2008 (Continued)

D049774 DM Partners v. San Dieguito Partnership et al.

Cause called on merits. Marnie Smith Skeen, Esq. argued for appellant. Paul Kennerson, Esq. argued for respondent. Ms. Skeen replied. Cause submitted.

Court recessed at 2:20 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller

D048759 Von Arx v. Max Equipment Rental, LLC et al.

Cause called on merits. Joseph Richard Zamora, Esq. argued for appellant. Charles S. Haughey, Jr., Esq. argued for respondent, Max Equipment Rental, LLC. Susan Knock Brennecke, Esq. was present in oral argument for respondent, Charles Machine Works, Inc., but did not address the court. Mr. Zamora replied. Cause submitted.

D050736 O'Leary et al. v. California Department of Fish and Game et al.

Cause called on merits. Deborah M. Fletcher, Esq. argued for appellant. Robyn Theresa Ranke, Esq. argued for respondent. Ms. Fletcher replied. Cause submitted.

D051011 Royal Indemnity Company v. United Enterprises Inc., et al.

Cause called on merits. Robert D. Shoecraft, Esq. argued for appellant. Dorn Graham Bishop, Esq. argued for respondent, United Enterprises. Stephen M. Green, Esq. argued for respondent, Royal Indemnity. Mr. Shoecraft replied. Cause submitted.

Court recessed at 4:05 p.m. until Thursday, March 13, 2008 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 12, 2008 (Continued)

D050114 Marvel v. Superior Ready Mix Concrete

The judgment is affirmed. Superior is awarded its costs on appeal. McIntyre, J.;
We Concur: Haller, Acting P.J., McDonald, J.

D048364 People v. Saddler

The imposition of the upper term for the great bodily injury enhancement in count 2 is reversed.
in all other respects the judgment is affirmed. Benke, Acting P.J.; I Concur: Irion, J., I concur in
the judgment only: McIntyre, J.

D052029 In re the Marriage of Schrock

The appeal filed November 5, 2007, is DISMISSED because appellant did not timely deposit
costs for preparing the record on appeal (Cal. Rules of Court, rules 8.122(c), 8.130(b), 8.140),
and for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 13, 2008

D049036 Monteil v. Greenbaum, Jr.

The child support award is reversed and the trial court is directed to award Diane an amount which will provide Erik a lifestyle commensurate with his father's standard of living. The trial court is further instructed to make an appropriate award to Diane of attorney fees incurred on appeal. Benke, Acting P.J.; We Concur: Haller, J., Irion, J.

D051007 In re Tatiana V. et al., Juveniles

D051276 In re Tatiana V. et al., Juveniles

(Consolidated Appeals) The orders denying Doreen's petition to return Tatiana and Alberto to her care under a plan of family maintenance services are reversed. We necessarily reverse the judgments terminating parental rights. The juvenile court is directed to return Tatiana and Alberto to Doreen's care under a plan of family maintenance services. Nothing in this opinion should be construed to prejudice the right of the Agency or minors' counsel to bring further proceedings in this matter based on developments during the pendency of these appeals. (*In re Kimberly F.*, *supra*, 56 Cal.App.4th at p. 535.) McDonald, Acting P.J.; We Concur: Aaron, J., Irion, J.

D051271 Berardi v. The Superior Court of San Diego County/People

The petition is denied.

D050292 People v. Hedge

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D052546 Shannon R. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Daniel W. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Daniel W. is dismissed.

D052318 Wimberly v. State of California et al.

Pursuant to California Rules of Court, rule 8.140, the appeal filed January 8, 2008, is dismissed for appellant's failure to timely designate the record with specificity and for failure to timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rules 8.121(a), 8.122(a)(1) & (c), 8.130(b)).

D051251 In re A.Z. a Juvenile

The order is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

D051097 People v. Liggons

The appeal is dismissed. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 13, 2008 (Continued)

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. Moore

D051352 In re Michelle G., a Juvenile

Cause called on merits. Neale Bachmann Gold, Esq. argued for appellant. Gary Seiser, Deputy County Counsel argued for respondent. Amanda Benedict, Esq. argued for the minor. Ms. Gold replied. Cause submitted.

D050893 Carlton v. State of California, Department of Motor Vehicles

Cause called on merits. Paul H. Neuharth, Esq. argued for appellant. Ted Dracar, Deputy Attorney General argued for respondent. Mr. Neuharth replied. Cause submitted.

Court recessed at 10:02 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D050830 In re Reymundo S. et al., Juveniles

Cause called on merits. Kurt David Hermansen, Esq. argued for appellant. Steve Oetting, Deputy Attorney General argued for respondent. Mr. Hermansen replied. Cause submitted.

D050489 Tillman et al. v. Petrus Jr., et al.

Cause called on merits. Vanessa Tillman, argued for appellant in pro per. Daniel M. White, Esq. argued for respondent. Ms. Tillman replied. Cause submitted.

Court recessed at 11:00 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke
Clerk: D. Moore

D049980 Jaramillo v. Board of Geologists and Geophysicists

Cause called on merits. Anthony Jaramillo, argued for appellant in pro per. Karen Gordon, Deputy Attorney General argued for respondent. Mr. Jaramillo replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 13, 2008 (Continued)

Court recessed at 2:00 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justice Judith Haller and Terry O'Rourke

D051512 Mendez v. Superior Court/People-RPI

Matter called on merits. Laura Beth Arnold, Deputy Public Defender argued for petitioner. Elisabeth Silva, Deputy District Attorney argued for real party in interest. Ms. Arnold replied. Matter submitted.

D051619 Warburton et al. v. Superior Court/Zinner et al.-RPI

Matter called on merits. Phillip Burkhardt, Esq. argued for petitioner. Peter C. Ward, Esq. argued for real party in interest, Zinner. Corrie J. Klekowski, Esq. argued for real party in interest, Vuytoweez and etc. Mr. Burkhardt replied. Matter submitted.

Court recessed at 3:30 p.m. until Friday, March 14, 2008.

D052370 Trina L. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed for Trina L. The notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 14, 2008

D052522 Trinh v. The Superior Court of San Diego County/Higgins
The petition is denied.

D051300 In re Alejandro A., a Juvenile
The opinion filed on March 4, 2008, is ordered certified for publication.

D049436 Longs Drug Stores California, Inc. v. Schwab et al.
The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D051915 In re Jennifer S., a Juvenile
The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Irion, J.

D052543 Perry v. Superior Court of San Diego County/County of San Diego et al.
Kevin L. Perry's Application for Permission to File a Writ Petition received by this court on March 11, 2008, is DENIED. (Code of Civ. Proc. § 391.7, subd. (b).) The petition is DISMISSED. The clerk of the court is directed to return the "Supplemental Writ of Mandate" unfiled.

D052646 Guadarrama v. Superior Court of San Diego County/People
The petition is denied.

D051325 In re Cynthia S., a Juvenile
The petition for rehearing is denied.

D051180 People v. Walker
The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

D051392 People v. Morales
The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D048516 Lucero et al. v. Costco Wholesale Corporation
The judgment and the June 6, 2006 order are affirmed. Each party to bear its own costs on appeal. Aaron, J.; We Concur: Benke, Acting P.J., McDonald, J.

D052628 In re Reyes on Habeas Corpus
The petition is denied without prejudice to refile in the Second Appellate District, 300 South Spring Street, Los Angeles, CA 90013.

D052110 In re Bartholomew on Habeas Corpus
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 14, 2008 (Continued)

D052040 In re Smith on Habeas Corpus

The petition is denied.

D050235 People v. Queen

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

D049282 People v. Behnke

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

D051317 In re Johnny S., a Juvenile

The appeal is dismissed. Huffman, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D051618 In re Jayla V., a Juvenile

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Huffman, J.

D050098 People v. Green

The judgment is affirmed.

D051246 In re K.R., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D048290 People v. Matthews

The abstract of judgment is ordered amended to delete any reference to findings made pursuant to section 667.5, subdivision (a). It is ordered amended to delete any reference to the Health and Safety Code section 11370.2, subdivision (a), findings as to count 2. It is ordered amended to indicate as to count 2 that the trial court imposed a term of four years. In all other respects the judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron

Clerk: D. Moore

D049468 Allison-Zongker, L.P. v. CHLN, Inc.

Cause called on merits. Jeffrey K. Riffer, Esq. argued for appellant. Charles A. Bird, Esq. argued for respondent. Mr. Riffer replied. Cause submitted.

Court recessed at 9:25 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 14, 2008 (Continued)

D050225 Bou-Malham v. Farmers Insurance Exchange et al.

Cause called on merits. Diane Elizabeth Bond, Esq. argued for appellant. John E. Fitzsimmons, Esq. argued for respondent. Ms. Bond replied. Cause submitted.

Court recessed at 9:40 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

Clerk: D. Moore

D049576 Pardue v. Butterwick

Cause called on merits. Hoyt E. Hart, Esq. argued for appellant. David P. Hall, Esq. argued for respondent. Mr. Hart replied. Cause submitted.

Court recessed at 1:50 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

D049322 Brown v. Brown

Cause called on merits. Philip H. Stillman, Esq. argued for appellant. Edward I. Silverman, Esq. argued for respondent. Mr. Stillman replied. Cause submitted.

Court recessed at 2:40 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre

D050263 Harvey v. The Landing HOA et al.

Cause called on merits. Luke R. Corbett, Esq. argued for appellant. Scott J. Loeding, Esq. argued for respondent. Mr. Corbett replied. Cause submitted.

Court recessed at 3:25 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

D050436 San Diego Deputy Sheriffs' Association v. County of San Diego et al.

Cause called on merits. William H. Songer, Deputy County Counsel argued for appellant. Julie Steele Buechler, Esq. argued for respondent. Mr. Songer replied. Cause submitted.

Court adjourned at 3:45 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 14, 2008 (Continued)

D051967 Clark v. Lopez et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D052117 In re U. Q., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

D052276 Trimark Pacific LXX et al. v. Superior Court of San Diego County/Otay Project

The petition is denied.

D052666 Elizabeth P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied.